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Agenda item 94

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

Report of the First Committee

Rapporteur: Mr. Enrique Ochoa (Mexico)

I. Introduction

1. The item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the provisional agenda of the sixty-fifth session of the General Assembly in accordance with Assembly resolution 64/27 of 2 December 2009.
2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd and 10th meetings, on 4 and 14 October 2010, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 88 to 104 and 162. The general debate on those items was held at the 2nd to 8th and 10th meetings, from 4 to 8 and on 11, 12 and 14 October (see A/C.1/65/PV.2-8 and 10). The Committee also held 10 meetings, from 13 to 15, from 18 to 22 and on 25 October, for an exchange of views with the High Representative for Disarmament Affairs and other high-level officials, as well as panel discussions with independent experts and follow-up to resolutions and decisions adopted at previous sessions (see A/C.1/65/PV.9-18). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 9th to 18th meetings, from 13 to 15, from 18 to 22 and on 25 October 2010 (see A/C.1/65/PV.9-18). Action on all draft resolutions was taken at the 19th to 23rd meetings, from 26 to 29 October (see A/C.1/65/PV.19-23).
4. No documents were submitted for consideration under this item.

II. Consideration of draft resolution A/C.1/65/L.5

5. At the 19th meeting, on 26 October, the representative of Pakistan, on behalf of Benin, Colombia, Cuba, Egypt, El Salvador, Haiti, Honduras, Indonesia, Iraq, Malaysia, Pakistan, Peru, the Philippines, Sri Lanka, the Syrian Arab Republic and Viet Nam, introduced a draft resolution entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" (A/C.1/65/L.5). Subsequently, Bangladesh, Brazil, Brunei Darussalam, Cambodia, Ghana, Iran (Islamic Republic of), Kuwait, Myanmar, Nicaragua, Saudi Arabia, Sierra Leone, Uzbekistan and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

6. At the same meeting, the Committee adopted draft resolution A/C.1/65/L.5 by a recorded vote of 106 to none, with 58 abstentions (see para. 7). The voting was as follows:¹

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahram, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

¹ Subsequently, the delegation of Honduras informed the Committee that, had it been present, it would have voted in favour.

III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Noting that the renewed interest in nuclear disarmament should be translated into concrete actions for the achievement of general and complete disarmament under effective international control,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Determined to abide strictly by the relevant provisions of the Charter of the United Nations on the non-use of force or threat of force,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures and arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures and arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons can contribute positively to the prevention of the spread of nuclear weapons,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament,¹ in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, and desirous of promoting the implementation of the relevant provisions of the Final Document,

Recalling the relevant parts of the special report of the Committee on Disarmament² submitted to the General Assembly at its twelfth special session, the

¹ Resolution S-10/2.

² The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

second special session devoted to disarmament,³ and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, the third special session devoted to disarmament,⁴ as well as the report of the Conference on its 1992 session,⁵

Recalling also paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons,⁶ with a view to reaching agreement on this question,

Taking note of the proposals submitted under the item in the Conference on Disarmament, including the drafts of an international convention,

Taking note also of the relevant decision of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, held at Kuala Lumpur on 24 and 25 February 2003,⁷ which was reiterated at the Fourteenth and Fifteenth Conferences of Heads of State or Government of Non-Aligned Countries, held at Havana and Sharm el-Sheik, Egypt, on 15 and 16 September 2006,⁸ and 15 and 16 July 2009,⁹ respectively, as well as the relevant recommendations of the Organization of the Islamic Conference,

Taking note further of the unilateral declarations made by all the nuclear-weapon States on their policies of non-use or non-threat of use of nuclear weapons against the non-nuclear-weapon States,

Noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

Taking note of Security Council resolution 984 (1995) of 11 April 1995 and the views expressed on it,

Recalling its relevant resolutions adopted in previous years, in particular resolutions 45/54 of 4 December 1990, 46/32 of 6 December 1991, 47/50 of 9 December 1992, 48/73 of 16 December 1993, 49/73 of 15 December 1994, 50/68 of 12 December 1995, 51/43 of 10 December 1996, 52/36 of 9 December 1997, 53/75 of 4 December 1998, 54/52 of 1 December 1999, 55/31 of 20 November 2000, 56/22 of 29 November 2001, 57/56 of 22 November 2002, 58/35 of 8 December

³ Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2), sect. III.C.

⁴ Ibid., Fifteenth Special Session, Supplement No. 2 (A/S-15/2), sect. III.F.

⁵ Ibid., Forty-seventh Session, Supplement No. 27 (A/47/27), sect. III.F.

⁶ Ibid., Forty-eighth Session, Supplement No. 27 (A/48/27), para. 39.

⁷ See A/57/759-S/2003/332, annex I.

⁸ See A/61/472-S/2006/780, annex I.

⁹ See S/2009/459, annex, para. 118.

2003, 59/64 of 3 December 2004, 60/53 of 8 December 2005, 61/57 of 6 December 2006, 62/19 of 5 December 2007, 63/39 of 2 December 2008, and 64/27 of 2 December 2009,

1. *Reaffirms* the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. *Notes with satisfaction* that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;

3. *Appeals* to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. *Recommends* that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be explored further in order to overcome the difficulties;

5. *Also recommends* that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. *Decides* to include in the provisional agenda of its sixty-sixth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".